



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#2

In re Patent Application of

LUNDSTROM et al

Atty. Ref.: 2466-109

National Phase of PCT/SE01/01366

Serial No. ~~10/315,251~~ 10/533,685

TC/A.U.: 2681

Filed: December 10, 2002

Examiner: unknown

For: A METHOD AND AN APPARATUS FOR REDUCING
SIGNALLING TRAFFIC IN A TELECOMMUNICATIONS SYSTEM

* * * * *

June 16, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST/PETITION CONCERNING NATIONAL
STAGE STATUS AND PRIORITY CLAIM**

The undersigned respectfully requests that the captioned application be treated as a national stage application of PCT/SE01/01366, and that priority as claimed be properly listed on the official filing receipt. If necessary, please treat this request as a Petition, e.g., in accordance with the provisions of 37 CFR §1.183.

In the alternative, it is respectfully requested that the national stage of PCT/SE01/01366 be revived in accordance with 37 CFR §1.137(b), and priority accorded properly.

FACTS

1. The captioned application was filed on December 10, 2002.

2. Upon filing of the captioned application, the transmittal sheet for the application expressly claimed the priority of both SE 0002290-5, filed 19 June 2000, and PCT/SE01/01366, filed 15 June 2001. Thus, the December 10, 2002 filing was within the thirty months requirement for filing of national stage applications for the national stage priority claim.

3. The Preliminary Amendment which accompanied the filing of the captioned application on December 10, 2002 expressly stated "This application is the U.S. National phase of international application PCT/SE01/01366 filed 15 June 2001 which designates the U.S." Applicants submit that the statement in the Preliminary Amendment supplies evidence that captioned application is a national stage application.

4. An executed patent Declaration was filed on January 27, 2003, claiming priority of both SE 0002290-5, filed 19 June 2000, and PCT/SE01/01366, filed 15 June 2001.

5. The official filing receipt, mailed February 5, 2003, failed to list the claimed priority application, i.e., failed to list SE 0002290-5 and PCT/SE01/01366.

6. Thinking the failure of the official filing receipt to list the priority information to be a clerical error, the undersigned's office repeatedly requested correction of the official filing receipt. The first two requests for correction were made on March 14, 2003 and April 16, 2003.

7. The responses to the March 14, 2003 and April 16, 2003 requests indicated, without explanation, "that applications to which priority is claimed were filed over a year prior to the filing date of this application".

8. A third request for corrected filing receipt was made on May 15, 2003. In response, a corrected filing receipt was mailed on July 8, 2003. The July 8, 2003 corrected filing receipt did list the Swedish priority application (but an incorrect date therefore: June 19, 2002 rather than 19 June 2000). No mention was made on the corrected filing receipt of PCT/SE01/01366.

9. In view of the omission of PCT/SE01/01366 in the July 8, 2003 corrected filing receipt, on July 14, 2003 a Request For Corrected Filing Receipt was again filed. In the July 14, 2003 Request For Corrected Filing Receipt, Applicants submitted evidence that

the captioned application is a national stage application by expressly referring to the Preliminary Amendment which was simultaneously filed with the captioned application and which referred to the national stage status. (On July 14, 2003 it had not been noticed that the Swedish priority date on the corrected filing receipt mailed July 8, 2003 was incorrect).

10. The response to the July 8, 2003 request for corrected filing receipt again indicated, without explanation, "that applications to which priority is claimed were filed over a year prior to the filing date of this application", specifying only PCT/SE01/01366. Neither this nor any other response to a request for corrected filing receipt addressed the fact that the captioned application was intended to be treated as a national stage application (as evident from the Preliminary Amendment) and was timely filed within the thirty months.

11. In June 2004 the undersigned was again advised of that the listing of the priority applications on the filing receipt had not been resolved. Upon further review of the file, the undersigned surmised that the US Patent Office may have failed to list the priority applications on the filing receipt for the captioned application merely because an official PCT national stage transmittal form was not utilized in conjunction with the initial filing of the captioned application.

RELIEF REQUESTED

A. Should failure to use the PCT national stage transmittal be the reason for failure to accord priority, the undersigned submits herewith a PCT national stage transmittal for PCT/SE01/01366, and respectfully requests that the US Patent Office waive any applicable rules and treat the captioned application as the national stage for PCT/SE01/01366. Any additional filing fees may be charged to the undersigned's deposit account, as hereinafter authorized. Further, if any additional action or information is required from Applicants in this regard, please advise.

B. If the US Patent Office failure to properly list the priority applications on the official filing receipt is based on some defect or deficiency or reason other than the particular form of transmittal letter utilized, it is respectfully requested that the US Patent Office state with particularity such defect or deficiency, or on its own initiative correct

LUNDSTROM et al
Serial No. 10/315,251

the priority listing, or afford the applicant an additional opportunity to take any further action necessary to do so.

C. In the alternative, it is respectfully requested that the national stage of PCT/SE01/01366 be revived in accordance with 37 CFR §1.137(b). The entire delay from the filing the required reply (e.g., the filing date of the national stage application, which Applicants do believe to have been timely filed) until the filing of a grantable petition was unintentional. The undersigned and applicants have believed and continue to believe that the national stage application was timely filed, as reflected by consistent efforts for correction, and (while perhaps mistaken as to the cause of the confusion) have not engaged in any intentional delay. If revival is deemed appropriate, it is requested that the documents entered in the file of the captioned application be transferred or otherwise included in the national stage application to the extent appropriate. Further, should the alternative of revival be deemed appropriate, a terminal disclaimer will be submitted if requested and appropriate.

The Commissioner is authorized to charge the fees for entry of this Request/Petition, the filing of the national stage application, or the continued pendency of the captioned application (including but not limited to petition fee under 37 CFR §1.17(h), any other petition fees, any national stage application filing/processing fees, etc.) to the undersigned's deposit account 14-1140 in the appropriate amount.

Favorable action on this request/petition is earnestly requested.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: H. Warren Burnam

H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

08/12/2005 BCAMPBEL 00000002 141140 10533685
01 FC:1615 18.00 DA
02 FC:1616 290.00 DA